

UNITED STATES DISTRICT COURT
IN THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CRYSTAL SISSON,

Plaintiff,

v.

CHARTER COUNTY OF WAYNE,
WAYNE COUNTY SHERIFF'S DEPARTMENT,
WAYNE COUNTY SHERIFF BENNY N. NAPOLEON,
WAYNE COUNTY SHERIFF DEPUTY CORPORAL SHERI TANNER,
WAYNE COUNTY SHERIFF DEPUTY LIEUTENANT THEODIS SIMS,

Defendants.

/

COMPLAINT AND JURY DEMAND

1. This action arises under 42 USC 1983. Jurisdiction is conferred on this Court by 28 USC 1331, 28 USC 1343(a)(3) and (4).
2. Plaintiff Crystal Sisson is an individual residing in the City of Detroit, County of Wayne, State of Michigan and the Eastern Federal District of Michigan.
3. Defendant County of Wayne (hereinafter referred to as "WAYNE COUNTY") is an incorporated charter county in the State of Michigan.
4. Defendant Wayne County Sheriff's Department (hereinafter referred to as "SHERIFF") is a Department contained within the County of Wayne authorized to perform law enforcement duties for the County of Wayne.

5. Defendant Wayne County Sheriff Benny Napoleon is employed as the elected Sheriff of the County of Wayne.
6. Defendant Deputy Sheriff Corporal Sheri Tanner is employed by Defendant Wayne County Sheriff's Department and at all material times of this Complaint was working in that capacity.
7. Defendant Deputy Sheriff Lieutenant Theodis Sims is employed by Defendant Wayne County Sheriff's Department and at all material times of this Complaint was working in that capacity.
8. When the events alleged in this Complaint occurred, Defendants were acting within the scope of their employment and under color of law.
9. At all material times, Defendant Wayne County employed all of the deputies involved and is liable for their acts. The county is also liable because of its policies, practices, and customs, which lead to the complaint of violation.
10. In 2012, the City of Detroit passed an ordinance decriminalizing the possession of less than one ounce of marijuana by adults over the age of 21.
11. Greenleaf Extended Care (hereinafter referred to as (GREENLEAF) is a medical marijuana dispensary located at 13125 West Chicago in the City of Detroit, County of Wayne, State of Michigan.

12. Upon information and belief, Defendant SHERIFF has never conducted any law enforcement investigation upon the potential or alleged illegal operation of GREENLEAF.
13. Upon information and belief, Defendant SHERIFF has never taken any action toward the prosecution of criminal charges against GREENLEAF or any of its employees, owners, or operators.
14. On July 16, 2018, SISSON entered into GREENLEAF and purchased from the establishment ten dollars (\$10.00) worth of marijuana.
15. Defendant Sheriff Deputy Corporal Sheri Tanner from the Wayne County Special Operations Unit was conducting surveillance of GREENLEAF at the time SISSON had entered on July 16, 2018.
16. Defendant Sheriff Deputy Lieutenant Theodis Sims from the Wayne County Special Operations Unit was also conducting surveillance of GREENLEAF at the time SISSON had entered on July 16, 2018.
17. Immediately after SISSON exited GREENLEAF and departed in her vehicle, Sheriff Deputy Tanner performed a traffic stop of that vehicle which was a 2015 Kia Soul (SUBJECT VEHICLE).
18. An investigation revealed that SISSON had in her possession the marijuana she purchased from GREENLEAF and SHERIFF issued SISSON a criminal complaint for violation of the City of Detroit ordinance of Illegally Occupying

a Place Where Controlled Substances are Sold pursuant to Detroit City Ord. 38-11-22.

19. Based upon the violation of this ordinance and the fact that the marijuana was located within the vehicle, SHERIFF seized SUBJECT VEHICLE pursuant to MCL 333.7521.
20. The subject vehicle was not an instrumentation of the offense nor had any relation to the offense of Illegally Occupying a Place Where Controlled Substances are Sold.
21. Wayne County exercises a policy on first time vehicle seizures of this nature whereby they will settle the forfeiture action in return for a set and standard monetary payment. If the payment is not made and therefore a settlement is not reached, the Wayne County Prosecuting Attorney would proceed with the institution of forfeiture proceedings in the Wayne County Circuit Court.
22. On or about July 23, 2018, SISSON entered into a settlement of the forfeiture proceeding whereby she tendered one thousand two hundred dollars (\$1,200.00) to the Wayne County Prosecuting Attorney and her vehicle was returned.
23. SISSON's above referenced criminal complaint is pending in the 36th Judicial District Court.

24. The Eighth Amendment of the United States Constitution provides, in pertinent part, that excessive fines not be imposed nor cruel and unusual punishments be inflicted.
25. Because the City of Detroit had decriminalized the possession of small amounts of marijuana and SISSON purchased a small amount of marijuana from a medical marijuana dispensary that WAYNE COUNTY allowed to operate, the forfeiture of SISSON's vehicle and/or the one thousand two hundred dollar (\$1,200.00) settlement for the forfeiture action is an excessive penalty in violation of Plaintiff's constitutionally protected Eighth Amendment rights.
26. Defendants knew, or should have known, that the forfeiture penalty and the standard settlement amount for this minor infraction was constitutionally excessive.
27. Due to Defendants' constitutional violation of Plaintiff's civil rights they are responsible for all reasonably foreseeable damages incurred by Plaintiff pursuant to 42 USC 1983.
28. As a direct and proximate result of Defendants' constitutional violations of Plaintiff's civil rights, Plaintiff SISSON incurred monetary damages.
29. Defendants are liable to Plaintiff for punitive damages because Defendants acted with evil motive and intent where their actions demonstrated reckless disregard for Plaintiff's federally protected rights.

30. Defendants are liable to Plaintiff for reasonable attorney fees she incurred and costs pursuant to 42 USC 1988(b).

WHEREFORE, Plaintiff requests a jury and judgment be entered on each Defendant, jointly and severally, in an amount equal to her actual damages plus punitive damages and reasonable attorney fees.

Respectfully Submitted,

/s/ Barton W. Morris, Jr.

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